165 Fed. 783; *United States v. City of Tiffin* (1911, C. C. N. D. Oh.) 190 Fed. 279; *cf. In re Certain Land* (1902, D. C. Mass.) 119 Fed. 453. On the precise issue that the United States must make compensation to a county for taking a public road, there is an almost complete dearth of authority. The *Nahant* case favors a contrary decision but contains no adequate discussion of the point.

HUSBAND AND WIFE—RIGHT OF WIFE TO SUE HUSBAND FOR ASSAULT AND BATTERY.—The plaintiff sued her husband for assault and battery. Statutes provided that husband and wife might contract with each other; that she might sue alone for injuries to her property, person, or reputation; and that the damages recovered should be her separate property. *Held,* that she could maintain the action. *Johnson v. Johnson* (1917, Ala.) 77 So. 335.

The common law rendered it impossible for a wife to sue her husband because of the theoretical unity of the relation; which in practice meant that recovery would be useless, as he would get the damages as soon as recovered. 1 *Bl. Comm.* 443; see 1 Bishop, *Married Women,* sec. 109; see *Co. Litt.* 133. Enabling statutes giving the wife control of her separate property, and hence of any damages recovered, have been generally and properly construed to permit an action by the wife against the husband for injury to her property. *Mason v. Mason* (1892, N. Y. Sup. Ct.) 66 Hun, 386, 21 N. Y. Supp. 306; *De Baun v. De Baun* (1916) 119 Va. 85, 89 S. E. 239; *Regal Realty, etc., Co. v. Gallagher* (1916, Mo.) 188 S. W. 151; *Borton v. Borton* (1916, Tex. Civ. App.) 190 S. W. 192. But there has been an obstinate indisposition to allow a similar action in tort for injury to the wife's person or reputation. *Thompson v. Thompson* (1910) 218 U. S. 611, 31 Sup. Ct. 111. *Strom v. Strom* (1906) 98 Minn. 427, 107 N. W. 1047, 6 L. R. A. (N. S.) 191, and note; *Nickerson v. Nickerson* (1886) 65 Tex. 281; *Schultz v. Schultz* (1882) 89 N. Y. 644. The supposed public policy on which these decisions are based (the protection of the home and the sacred relations of marriage) is believed to be more imaginary than real. For divorce proceedings are permitted, which wholly break up the home. And it is hard to see why criminal proceedings, which are also allowed, do not do more violence to the sanctity of the marriage relation than the civil action which is denied. See *Fiedler v. Fiedler* (1914) 42 Okla. 124, 140 Pac. 1022. The principal case is supported by adjudications in other jurisdictions. *Brown v. Brown* (1914) 88 Conn. 42, 89 Atl. 889; *Fitzpatrick v. Owen* (1916) 124 Ark. 167, 187 S. W. 460; see also *Sykes v. Speer* (1908, Tex. Civ. App.) 112 S. W. 422; *Abbe v. Abbe* (1897, N. Y.) 22 App. Div. 484, 48 N. Y. Supp. 25. The decisions reached seem to depend not so much on the phraseology of the statutes as on the judicial attitude towards them. By some courts they are considered as "statutes in derogation of the common law," and hence to be strictly construed. *Compton v. Pierson* (1877, Prerog.) 28 N. J. Eq. 229; *Union Trust Co. v. Grosman* (1917) 38 Sup. Ct. 147. By other courts they are construed liberally as "remedial statutes." *Fiedler v. Fiedler, supra.* The liberal construction seems the saner. These statutes change the common law, to be sure, and add to it. But like survival statutes, they add in order to remedy long-felt defects; and the new rights they create should be measured with a view to the needs which called forth their creation. See Black, *Construction and Interp. of Laws,* 244.

INTERNATIONAL LAW—CITIZENSHIP—EXPATRIATION.—X, a native American citizen, son of a Chinese citizen, proceeded to China in 1890, married there a Chinese woman and continuously resided there until 1917, when he died. For